

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 VASHONE TRYONE JACKSON,

10 Petitioner,

No. CIV S-00-0274 LKK EFB P

11 vs.

12 CALIFORNIA DEPARTMENT OF
13 MENTAL HEALTH,

14 Respondent. /

ORDER

15 Petitioner is a state prisoner with counsel seeking a writ of habeas corpus. *See* 28 U.S.C.
16 § 2254. On November 17, 2006, the court issued findings and recommendations recommending
17 dismissal of this action for lack of standing pursuant to the Ninth Circuit's decision in *Jackson v.*
18 *Department of Mental Health*, 399 F.3d 1069, 1072-73 (9th Cir. 2005). On November 20, 2006,
19 counsel for petitioner delivered a memorandum pointing out that petitioner successfully obtained
20 rehearing from the Ninth Circuit panel, which amended its prior ruling and remanded the case for
21 further consideration of the question of petitioner's standing. *Jackson v. Department of Mental*
22 *Health*, 417 F.3d 1029, 1030 (9th Cir. 2005). In light of that amended opinion, it is ORDERED
23 that the November 17, 2006, findings and recommendations are vacated.

24 Dated: November 20, 2006.

25
26

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE